

REMARKS**Summary of the Office Action**

Claims 16, 19-20, 22-23, 26, 28 and 36-39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Koyama (U.S. Patent No. 6,556,234) (hereinafter "Koyama").

Claims 27 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koyama in view of Kobayashi et al. (U.S. Patent No. 6,754,158) (hereinafter "Kobayashi").

Claims 31, 42 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koyama in view of Nomula et al. (U.S. Patent No. 4,967,286) (hereinafter "Nomula").

Claim 46 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Koyama in view of Tsutomu (JP 59-215892) (hereinafter "Tsutomu").

Claims 24 and 25 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Summary of the Response to the Office Action

Claims 24 and 25 have been amended to be rewritten in independent form. A minor change has been made to claim 27 to improve its form. Claim 30 was previously presented. All remaining claims have been canceled without prejudice or disclaimer. Accordingly, claims 24, 25, 27 and 30 remain pending for consideration.

Examiner Interview of August 30, 2005

Examiner Hai Pham is thanked for the courtesies extended to Applicants' undersigned representative during the telephone interview held on August 30, 2005. During the interview, Applicants' undersigned representative informed the Examiner that Applicants plan to rewrite

claims 24 and 25 in independent form to secure the subject matter indicated in the June 1, 2005 Office Action as being allowable. Applicants' undersigned representative then indicated to the Examiner that Applicants are willing to cancel all of the remaining claims, except for independent claims 27 and 30.

Applicants' undersigned representative explained how a verified translation of the instant application's priority document would overcome the Kobayashi reference that was applied in the rejection of claim 27 in the June 1, 2005 Office Action. Accordingly, a verified translation is attached hereto, as discussed with the Examiner.

With regard to independent claim 30, Applicants' undersigned representative explained that the applied art of record does not teach or suggest at least the recited feature of "wherein said writing component is adapted to form an image pattern having a plurality of gray scale levels through provision of different sizes of the pits or different distances between adjacent ones of the pits." The Examiner noted that he agreed that these features appear to be allowable over the current art of record. He indicated that this claim likely should have been indicated as allowable in the Office Action dated June 1, 2005.

Rejections under 35 U.S.C. § 102(e) and 103(a)

Claims 16, 19-20, 22-23, 26, 28 and 36-39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Koyama. Claims 27 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koyama in view of Kobayashi. Claims 31, 42 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koyama in view of Nomula. Claim 46 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Koyama in view of

Tsutomu. As discussed above, except for claims 24, 25, 27 and 30, all remaining claims have now been canceled without prejudice or disclaimer rendering the majority of these rejections moot.

With regard to independent claim 27, which was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koyama in view of Kobayashi, Applicants respectfully submit that Kobayashi should not be considered as prior art in the present application under any subsection of 35 U.S.C. § 102. On July 6, 2001, Applicants filed a Claim for Priority and a Certified Copy of Japanese Patent Application No. 2000-098926, which was filed in Japan on March 31, 2000. Pursuant to 37 C.F.R. § 1.55(a), Applicants submit concurrently herewith a verified translation of Japanese Patent Application No. 2000-098926. The effective U.S. filing date under 35 U.S.C. § 102(e) of Kobayashi is October 31, 2000, which is after the priority date to which this application is entitled. Accordingly, Applicants respectfully submit that Kobayashi should not be considered as prior art in the present application under any subsection of 35 U.S.C. § 102.

With regard to independent claim 30, the Office Action indicates that this claim is rejected in Section 6 of Page 1 (Form PTOL-326). However, the remaining portions of the Office Action do not further address a rejection of claim 30 to any extent. As discussed above, Applicants' undersigned representative pointed this issue out to Examiner Pham during the telephone interview of August 30, 2005. The Examiner noted during the interview that he agreed that claim 30 likely should have been indicated as allowable in the Office Action dated June 1, 2005.

As also discussed in the telephone interview with regard to independent claim 30, Applicants' undersigned representative explained that the applied art of record does not teach or

suggest at least the recited feature of “wherein said writing component is adapted to form an image pattern having a plurality of gray scale levels through provision of different sizes of the pits or different distances between adjacent ones of the pits.” The Examiner noted that he agreed that these features appear to be allowable over the current art of record.

Newly-Amended Independent Claims 24 and 25

Claims 24 and 25 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. In accordance with the Office Action’s indication of allowable subject matter, each of claims 24 and 25 have been amended to be placed in independent form. Accordingly, claim 19 has been canceled without prejudice or disclaimer. As a result, newly-amended independent claims 24 and 25 are now in *prima-facie* condition for allowance. Withdrawal of the objections to claims 24 and 25 are thus respectfully requested.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request withdrawal of all outstanding objections and rejection, and request the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants’ undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: September 1, 2005

By:

A handwritten signature in black ink, appearing to read "Paul A. Fournier", written over a horizontal line.

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